

REQUEST**FOR****CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/009,802
Filing Date	January 20, 1998
Confirmation Number	7895
First Named Inventor	Sean A. McCarthy
Group Art Unit	1636
Examiner Name	David Guzo
Attorney Docket Number	MNI-108 (1855.2067-000)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); *Interim Rule*, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [].
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on [].
- iii. ☐ Other -- [].
- b. ☐ Please do not enter the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [].
- c. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Supplemental Information Disclosure Statement (SIDS)
- iv. ☒ Petition for Extension of Time - 5 months with copy
- v. ☐ Other -- [].

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of [] months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other -- [].

3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

- a. ☒ A check is enclosed for the following fees in the total amount of \$2,780
OR
☐ Authorization is granted to charge the following fees in the total amount of \$[] to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 05/13/2004 RHEBRAHT 00000028 09009802
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:1801 770.00 CP
- iii. ☐ Amendment Fee
- iv. ☐ Other -- [].
- b. ☒ Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Robert H. Underwood	Registration No. (Attorney/Agent)	45,170
Signature	<i>Robert H. Underwood</i>	Date	<i>May 10, 2004</i>

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type)	Shannon Luis	Date	<i>May 10, 2004</i>
Signature	<i>Shannon Luis</i>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean A. McCarthy

Application No.: 09/009,802

Filed: January 20, 1998

Confirmation No.: 7895



Group: 1636

Examiner: David Guzo

For: NOVEL CRSP-2 PROTEIN MOLECULES AND USES THEREFOR (AS AMENDED)

CERTIFICATE OF MAILING OR TRANSMISSION	
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<u>May 10, 2004</u>	<u>Shannon Luis</u>
Date	Signature
<u>Shannon Luis</u>	
Typed or printed name of person signing certificate	

PETITION FOR EXTENSION OF TIME

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned petitions the Commissioner for Patents to extend the time for filing a Brief on Appeal pursuant to the Notice of Appeal received in the U.S. Patent and Trademark Office on October 9, 2003 for five months, from December 9, 2003 to May 9, 2004 under 37 C.F.R. § 1.136(a).

In lieu of filing a Brief on Appeal, an Amendment and a Request for Continued Examination are being filed concurrently herewith.

	<u>Small Entity</u>	<u>Other than Small Entity</u>
1 month -	\$ 55	\$ 110
2 months -	\$ 210	\$ 420
3 months -	\$ 475	\$ 950
4 months -	\$ 740	\$1,480
5 months -	\$1,005	X \$2,010

- [X] A check is enclosed in the amount of the extension fee indicated above, or the extension fee has been included in the check with the accompanying Reply.
- [] Please charge Deposit Account No. 08-0380 in the amount of \$[] to cover the cost of the extension fee.

Any deficiency or overpayment should be charged or credited to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

05/13/2004 RMEBRAHT 00000028 09009802

02 FC:1255

2010.00 0P

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Robert H. Underwood
Robert H. Underwood
Registration No. 45,170
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: May 10, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean A. McCarthy
Application No.: 09/009,802 Group: 1636
Filed: January 20, 1998 Examiner: David Guzo
Confirmation No.: 7895
For: NOVEL CRSP-2 PROTEIN MOLECULES AND USES THEREFOR (As amended)

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<u>May 10, 2004</u> Date	<u>Shannon Luis</u> Signature
<u>Shannon Luis</u> Typed or printed name of person signing certificate	

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for filing in the above-identified application.

- [] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- [] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(COL. 1)	(COL. 2)	(COL. 3)	(COL. 4)	(COL. 5)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	44	MINUS	* 106	0
INDEP	14	MINUS	** 22	0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

* not fewer than 20
** not fewer than 3

SMALL ENTITY	
RATE	ADDIT. FEE
X \$ 9	\$
X \$43	\$
+ \$145	\$

TOTAL = \$ 0

OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE
X \$18	\$ 0
X \$86	\$ 0
+ \$290	\$ 0

TOTAL = \$ 0

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$	_____
<input type="checkbox"/>	Amendment Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
	_____	\$	_____
	_____	\$	_____
	TOTAL:	\$	<u>0</u>

A check is enclosed in payment of the following fees:

<input checked="" type="checkbox"/>	Petition for five month Extension of Time	\$	2010
<input type="checkbox"/>	Amendment Fee	\$	_____
<input checked="" type="checkbox"/>	Other Fees:		
	RCE	\$	770
	_____	\$	_____
	TOTAL:	\$	<u>2780</u>

☒ A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

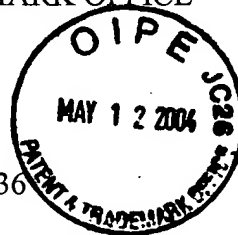
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Robert H. Underwood
Robert H. Underwood
Registration No.: 45,170
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: May 10, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Sean A. McCarthy

Application No.: 09/009,802

Group: 1636

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For: NOVEL CRSP-2 PROTEIN MOLECULES AND
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<u>May 10, 2004</u>	<u>Shannon Luis</u>
Date	Signature
<u>Shannon Luis</u>	
Typed or printed name of person signing certificate	

AMENDMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Office Action made final mailed on April 9, 2003, and the Advisory Action mailed on July 30, 2003, in the above-identified application. An extension of time for filing a Brief on Appeal pursuant to the Notice of Appeal received in the U.S. Patent and Trademark Office on October 9, 2003 is respectfully requested. A Petition for Extension of Time and the appropriate fee are being filed concurrently with this Amendment. In lieu of filing a Brief on Appeal, a Request for Continued Examination is being filed concurrently herewith. Reconsideration and further examination are requested.

Please amend the application as follows: